**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**O.O.C.J.**

**ARBITRATION APPLICATION NO. 214 OF 2005**

Sara Mathews and another .. Applicants
v/s.
Mrs. Saramma Abraham and others .. Respondents

Ms. Andrew Judes i/by M/s. Thakore Jariwala & Associates for the applicants.

**CORAM : SWATANTER KUMAR, C.J.**

**DATED : 26TH OCTOBER, 2007**

**P.C.**

This is an application filed by the applicants for substitution of the sole arbitrator appointed by this court vide order dated 16th June, 2000 in Arbitration Application No.89 of 1999. It is stated in this application that in view of certain allegations made against the previous Arbitrator, he had decided not to continue with the proceedings.

2. Notice of this application was issued to the non-

applicants and they have been served. Affidavit of service has been filed. Despite service, nobody appears on their behalf. Consequently, this application has been heard exparte.

3. By order dated 16th June, 2000, arbitrator has been appointed by this court and that order attained finality between the parties. Since the arbitrator has decided not to continue, resultantly, in contemplation with the provisions of section 11 sub-section 6(c) of the Arbitration & Conciliation Act, 1996, the vacancy has to be substituted by the court as original appointment has already been made. Consequently, Mr. Arif Bookwala is appointed as Arbitrator to continue with the arbitration.

Application is, accordingly, disposed of with no order as to costs.

**CHIEF JUSTICE**